

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

U.S.A. vs. Kevin Pierce

Docket No. 0650 3:14CR00071 - 6

Petition for Action on Conditions of Pretrial Release

COMES NOW Angela D. Smith, PRETRIAL SERVICES OFFICER
presenting an official report upon the conduct of defendant Kevin Pierce
who was placed under pretrial release supervision by the Honorable John S. Bryant, U.S. Magistrate Judge
sitting in the Court at Nashville, Tennessee, on May 09, 2014, under the following
conditions: Please reference the attached Order Setting Conditions of Release.

Respectfully presenting petition for action of Court and for cause as follows:
Please reference page three of this document.

I declare under penalty of perjury that the foregoing is true and correct.

Angela D. Smith Angela Smith Nashville, TN May 16, 2014
U.S. Pretrial Services Officer Place: Date:

Next Scheduled Court Event Not Scheduled
Event Date

PETITIONING THE COURT

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Action
<input type="checkbox"/> To Issue a Warrant | <input type="checkbox"/> To issue an order setting a hearing on the petition
<input type="checkbox"/> Other |
|--|--|

THE COURT ORDERS:

- ☒ No Action
☐ The Issuance of a Warrant.
 ☐ Sealed Pending Warrant Execution
 (cc: U.S. Probation and U.S. Marshals only)
☐ Other

- ☐ A Hearing on the Petition is set for

Date _____ Time _____

Considered and ordered this 19th day
of May, 2014, and ordered filed
and made a part of the records in the above
case.

John Bryant
Honorable John S. Bryant
U.S. Magistrate Judge

Honorable John S. Bryant
U.S. Magistrate Judge
Petition for Action on
Kevin Pierce
Docket: 3:14CR00071
May 16, 2014

On May 9, 2014, Kevin Pierce appeared before the Honorable U.S. Magistrate Judge John S. Bryant, for an Initial Appearance after being charged with violating 18 U.S.C. § 1349 - Conspiracy to Commit Wire Fraud. The Government did not file a Motion for Detention, and as a result, the defendant was released on that date to pretrial services supervision with special conditions.

Special Conditions of Release:

Please reference the attached original Order Setting Conditions of Release.

New Violations:

Violation No. 1: Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner, and shall refrain from the excessive use of alcohol:

The defendant reported to the U.S. Probation Office on the same date of his release and submitted a drug test. He admitted that he had used marijuana, Opana, Xanax, and hydrocodone approximately two days prior to his surrender date. Mr. Pierce also advised that he needed help for his drug problems. The specimen was sent to Alere Laboratories, Gretna, Louisiana, for confirmation. It was confirmed positive for marijuana and hydrocodone.

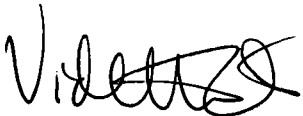
Probation Officer's Actions:

This officer placed the defendant in the Code-A-Phone Program, whereby a defendant phones in to the U.S. Probation Office on a daily basis to determine if they are required to report for a drug test on the following day. The defendant was also referred for an alcohol and drug treatment assessment to determine if treatment is needed. It was made clear to the defendant that if he continues to use illegal substances, a Violation Petition will be prepared and a hearing will be requested by this officer to determine why the defendant's bond should not be revoked.

Respectfully Petitioning the Court as Follows:

The U.S. Probation and Pretrial Services Office would respectfully request that No Action be taken at this time. Assistant U.S. William Abely has been contacted and concurs with this recommendation.

Honorable John S. Bryant
U.S. Magistrate Judge
Petition for Action on
Kevin Pierce
Docket: 3:14CR00071
May 16, 2014

Approved: 
Vidette Putman
Supervisory U.S. Probation Officer

Attachments

cc: Assistant U.S. Attorney William Abely
Assistant Federal Public Defender Caryll Alpert

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

United States of America

v.

Kevin Pierce

Defendant

Case No. 3:14-00071 (6)

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at *(if blank, to be notified)* _____ to be notified
Place

_____ on _____
Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released on condition that:

- (☒) (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.
- (☐) (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of _____ dollars (\$ _____)
in the event of a failure to appear as required or surrender to serve any sentence imposed.

SCANNED

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

() (7) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. (only if above is an organization) _____

who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: _____

Custodian or Proxy

Date

(X) (8) The defendant must:

- KP 1. Report to Pretrial Services as directed.
- KP 2. Maintain or actively seek employment.
- KP 3. Obtain no passport.
- KP 4. Travel is restricted to the Middle District of Tennessee unless approved in advance by Pretrial Services.
- KP 5. The defendant shall not possess any firearms, ammunition, or other dangerous weapons.
- KP 6. Report as soon as possible, within 48 hours, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- KP 7. Permit a Pretrial Services Officer to visit him at home or elsewhere and permit confiscation of any contraband observed in plain view.
- KP 8. Refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a medical practitioner.
- KP 9. Submit to any method of testing required by the Pretrial Services Office for determining whether the defendant is using a prohibited substance, such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, and/or any other form of prohibited substance screening or testing.
- KP 10. Participate in a program of inpatient or outpatient substance abuse therapy and counseling deemed appropriate by the Pretrial Services Officer, any inpatient treatment may be followed by up to 90 days in a halfway house.
- KP 11. Participate in mental health evaluation and treatment as directed by the Pretrial Services Office. JRS

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

The conditions have
been read to me
by USPO Smith.
Signed: Kevin Pierce
Date: 5/16/14

Kevin Pierce
Nashville, TN

Defendant's Signature
City and State

Directions to the United States Marshal

- (X) The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: May 9, 2014

John Bryant
Judicial Officer's Signature

JOHN S. BRYANT, U.S. MAGISTRATE JUDGE
Printed name and title